

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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DEC 29 P 12:12

-----X
United States of America,)
)
v.)
)
William Feliz,)
)
)
Defendant.)
-----X

No. 02-10113-RGS

**ASSENTED TO MOTION TO ASSIGN
LAWRENCE A. VOGELMAN AS CJA COUNSEL**

NOW COMES the defendant, William Feliz, by and through his attorney, Lawrence A. Vogelmann, Esquire, of Shuchman, Krause, & Vogelmann, P.L.L.C. and moves this Court to assign Mr. Vogelmann as counsel pursuant to the Criminal Justice Act.

1. I was retained by the family of William Feliz to represent him. As you know, I represented him during his trial, which resulted in a conviction.

2. Although due to Mr. Feliz's financial condition and that of his family he was not able to pay my entire fee for trial, I continue to represent him nonetheless. It is both his desire and mine that I continue to represent him through sentencing and appeal to the First Circuit Court of Appeals.

3. Unfortunately, due to Mr. Feliz's incarceration, his financial condition is even worse. His present financial condition makes him eligible for appointment of counsel under the Criminal Justice Act. (See attached Financial Affidavit.)

4. Although I am not a member of the CJA panel in this Court, I am a member of the panels in the District of New Hampshire and the First Circuit Court of Appeals. I believe it will

be in everyone's interest if the same attorney who has handled the case so far continues to represent Mr. Feliz.

5. If the instant application is denied, due to the financial hardship to me and my firm, and the inability of Mr. Feliz to even pay for the costs of an appeal, let alone an attorney to handle that appeal, I would be making an application to withdraw. I would rather not do that.

6. Since I am on the First Circuit panel, should this Court assign me to represent Mr. Feliz for his sentencing, I believe the assignment would carry through to this appeal.

7. Due to the nature of this motion, no memorandum of law is attached.

8. Assistant United States Attorney Rachel Hershfang assents to this motion.

WHEREFORE, for the reasons stated above, William Feliz requests that

A. This Court assign Lawrence A. Vogelmann, pursuant to the Criminal Justice Act, to represent him on his sentencing and subsequent appeal; and

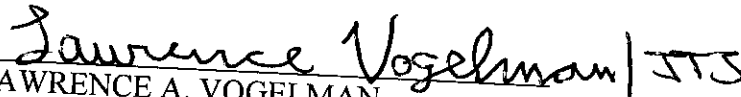
B. For such further relief as this Court deems just and proper.

Respectfully submitted,

WILLIAM FELIZ

SHUCHMAN, KRAUSE & VOGELMAN,
P.L.L.C.

Dated: December 27, 2004
Exeter, NH


LAWRENCE A. VOGELMAN
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CERTIFICATION

I hereby certify that a copy of the foregoing Assented to Motion to Assign Lawrence A. Vogelmann as CJA Counsel has this 27th day of December, 2004, been forwarded to AUSA Rachel Hershfang, United States Attorney's Office, 1 Courthouse Way, Suite 9200, Boston, MA 02210.

Lawrence Vogelmann / JTS
LAWRENCE A. VOGELMAN